

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DANNY CARTER,)	
)	
Plaintiff,)	
)	
v.)	No. 4:07CV1258 RWS
)	
EARNEST SHIVERS, II, <i>ET AL.</i> ,)	
)	
Defendants.)	

JOINT MOTION FOR SCHEDULING CONFERENCE

Come now the parties and jointly move this Court for a scheduling conference and, in support, state:

1. The parties respectfully request a scheduling conference at which the parties will ask the Court to modify its case management order as follows:

A. Discovery may continue through April 24, 2009;

B. Further briefing on Defendants' motion to dismiss or for summary judgment (Doc. # 46), is stayed. Defendants may file an amended dispositive motion by April 24, 2009. Plaintiff's response is due by May 22, 2009. Defendants' reply is due June 5, 2009; and

C. The case is ready for trial on July 13, 2009.

2. The parties have not been able to conclude discovery on the time table set forth in this Court's case management order for several reasons, including: Defendant Ernest Shivers was not served until after the case management order was entered; Defendant Shivers was, for a time, in default and the Clerk entered a default against him; there was a change in counsel for Defendants; and information revealed in Plaintiff's deposition required Defendants to conduct

additional discovery and make significant amendments to their disclosures, which in turn requires Plaintiff to conduct further discovery.

3. Plaintiff is not able to appropriately respond to Defendants' dispositive motion while discovery is continuing, and Defendants will likely desire to amend their dispositive motion in light of additional discovery. As a result, the parties will not be prepared to try this case by the date established by the current case management order.

WHEREFORE the parties jointly request this Court set a scheduling conference so that they may ask the Court to modify the case management order and for such other relief as is appropriate under the circumstances.

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION OF EASTERN
MISSOURI

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